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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,123	01/18/2002	An-Yu Yen	MR1035-985	3775
7590 10/12/2005			EXAMINER	
Bacon & Thomas, PLLC 625 Slaters Lane 4th Floor Alexandria, VA 22314-1176			PERILLA, JASON M.	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,123

Applicant(s)

YEN ET AL.

Examiner

Jason M. Perilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4 are pending in the instant application.

#### ***Election/Restrictions***

2. Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 29, 2005.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

The specification is objected to because it does not provide a definite interpretation of the invention. On page 4, lines 3-4, the specification includes, "*each of the emitting devices 10 and 12 emits the same piece of signals through continually emitting an identical section 22 for six times.*" Therefore, the language of the specification is actually in conflict with what one of skill in the art would reasonably interpret otherwise. That is, one skilled in the art would expect, for the utility of the invention, that the emitting devices (fig. 1, refs. 10 and 12) would not emit ***the same identical sections*** because they transmit different information. For instance, the emitters may be a keyboard and a mouse. Therefore, they would be expected to emit different information. While one skilled in the art notes according to the specification that each individual emitter emits a respective section a plurality of times, it is not expected that they would be the same identical sections of an alternate emitter.

Appropriate correction is required.

#### ***Claim Objections***

4. Claims 1-3 are objected to because of the following informalities:

Regarding claim 1, the claim is objected to for not claiming the subject matter of the invention. Claim 1 provides the limitation, "*each* of said emitting devices continually emitting a *plurality of identical signal* sections in a time interval". However, this is contrary to the invention where each emitting device may emit respective identical signal sections. That is, where the plurality of signal sections transmitted by each individual emitting device may be identical, they vary respective to emitting devices. This is due to the fact that the at least two emitting devices have different functions (i.e. a mouse and a keyboard). Page 1 of the specification provides, "to *respectively* receive individual data emitted by internal emitting modules of the mouse and keyboard" (lines 20-21). The following version of the claim is presented by the Examiner to overcome the objections:

1. A communication device applied to wireless peripherals of computer, said communication device comprising:

at least two emitting devices being a first emitting device and a second emitting device, said first and second emitting devices respectively communicating at a first communication channel and a second communication channel, each of said emitting devices continually emitting a respective plurality of identical whole signal sections in a time interval; and

a receiving device jumping at least between said first and second communication channels, the time of said receiving device among each of said communication channels comprising a phase lock time and a reception time of the a whole signal sections.

Regarding claim 2, in lines 2-3, "said emitting devices emitting the same signal section" should be replaced by –said emitting devices emit the same whole signal section", and, in line 3, "the number" should be replaced by –a number--.

Regarding claim 3, in lines 2-3, "said signal section" should be replaced by –said whole signal sections--.

Appropriate correction is required.

### ***Allowable Subject Matter***

5. The indication of allowable subject matter is made regarding claims 1-3.
6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-3 are indicated to contain allowable subject matter because the prior art of record does not disclose or obviate the use of a plurality of emitters wherein the emitters transmit on separate channels identical signal sections a plurality of times and a receiver which jumps between the channels. The prior art of record, namely Wang et al (US 2003/0014575) discloses multiple transmitters using individual frequencies and one receiver, but it does not disclose that the individual transmitters transmit identical signal sections a plurality of times.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art of record not relied upon above is cited to further show the state of the art with respect computer interfacing communications devices.

U.S. Pat. No. 5995017 to Marsh et al.

U.S. Pat. No. 6275682 to Yeh et al.

U.S. Pub. No. 2001/0056501 to Law et al.

U.S. Pub. No. 20030014574 to Kuo et al.

U.S. Pub. No. 20030014575 to Wang et al.

U.S. Pat. No. 6509845 to Tanaka.

U.S. Pat. No. 6519290 to Green.

U.S. Pub. No. 20030084210 to Wu et al.

U.S. Pub. No. 2003/0083056 to Wu et al.

U.S. Pat. No. 6950890 to Liu et al.

8. This application is in condition for allowance except for the following formal matters:

The objections above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**KENNETH VANDERPUYE**  
**SUPERVISORY PATENT EXAMINER**



Jason M. Perilla  
September 29, 2005

jmp